

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LOUIS THOMPCKINS,

Defendant-Appellant.

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UNPUBLISHED

October 2, 2001

No. 222149

Wayne Circuit Court

LC No. 98-010702

Before: Gage, P.J., and Fitzgerald and Markey, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of carjacking, MCL 750.529a, and possession of a firearm during the commission of a felony, MCL 750.227b. The trial court sentenced defendant as a fourth habitual offender, MCL 769.12, to six to twenty years in prison for the carjacking conviction, and a consecutive two-year term for the felony-firearm conviction. Defendant appeals as of right. We affirm.

Defendant first contends that insufficient evidence proved that he committed the carjacking because the victim was not directly confronted with a weapon, and the victim's attempted pursuit of the stolen vehicle belies a conclusion that he was put in fear. Defendant further argues that for these reasons, and because the victim's testimony contained contradictions, the trial court's verdict was against the great weight of the evidence.

We find defendant's contentions wholly lacking merit. At trial, the victim identified defendant as the man who appeared in the vehicle the victim had borrowed. The victim recounted that defendant demanded the keys while lowering his hand toward a pistol in his belt. The victim specifically stated that in light of defendant's actions, the victim felt concern for his safety and backed away from the vehicle. The victim explained that he decided to chase defendant when the vehicle drove slowly away, then sputtered rounding a corner. In an effort to catch the vehicle as it rounded the corner, the victim ran through a vacant lot toward defendant. After the victim heard two gunshots and saw flashes from the driver's side of the fleeing vehicle, however, the victim took cover to protect himself. Weeks later, at a store approximately two blocks from the scene of the robbery, the victim observed defendant standing alongside the vehicle he had stolen from the victim. Defendant fled, but was apprehended by the victim and the police. Two fingerprints taken from the driver's side of the vehicle matched two of defendant's fingers.

Viewing this evidence in the light most favorable to the prosecution, we conclude that the evidence amply supported the trial court's finding beyond a reasonable doubt that defendant committed the elements comprising a carjacking, including that defendant took the vehicle through threat of force or by placing the victim in fear. *People v Davenport*, 230 Mich App 577, 579; 583 NW2d 919 (1998); *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995). We further conclude after reviewing the record that the evidence did not preponderate heavily against the verdict so that it would be a miscarriage of justice to allow the verdict to stand. *People v Gadomski*, 232 Mich App 24, 28; 592 NW2d 75 (1998). To the extent that defendant challenges the believability or consistency of the victim's testimony, "it is well settled that this Court may not attempt to resolve credibility questions anew." *Id.*

Affirmed.

/s/ Hilda R. Gage  
/s/ E. Thomas Fitzgerald  
/s/ Jane E. Markey